

# **Hazard Mitigation Grant Program Administrative Plan**

## **Appendix A**

## **Hazard Mitigation Grant Program**

### **I. Authority**

#### **A. State**

1. The Louisiana Disaster and Emergency Preparedness Act of 1993, as amended.

#### **B. Federal**

1. Public Law 93-288, as amended
2. 44 CFR Part 206, Subpart M and N
3. 44 CFR Part 9, Floodplain Management and Protection of Wetlands
4. 44 CFR Part 10, Environmental Considerations
5. 44 CFR Part 13, Uniform Administrative Requirements for Grant and Cooperative Agreements to State and Local Governments
6. 44 CFR Part 14, Administration of Grants: Audits of State and Local Governments
7. Executive Order 11988, Floodplain Management
8. Executive Order 11990, Protection of Wetlands

### **II. Purpose**

The purpose of this document is to identify responsibilities and procedures for administration of the Hazard Mitigation Grant Program (HMGP) authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 93-288, as amended). This administrative plan is applicable to the Hazard Mitigation Grant Program and any State funds allocated for Hazard Mitigation.

### **III. Introduction**

This administrative plan documents the process for the administration of the Hazard Mitigation Grant Program (HMGP) and the project management of the mitigation measures to be funded under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, as amended. This Section establishes an independent grant program, which is closely tied to the post-disaster hazard mitigation plans defined under Section 409 of the Act. Section 409 is a critical component in the identification of measures and recommendations that could benefit the grant program and overall mitigation activities. Integrating the hazard mitigation plans, programs and activities within the State and the disaster area requires a management plan to coordinate these efforts.

### **IV. Eligibility Requirements**

## **APPENDIX A – Administrative Plan**

A. In accordance with the Code of Federal Regulations, 44 CFR Part 206.434, eligible applicants are as follows:

1. State and local governments.
2. Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in 44 CFR 206.221(e & f).
3. Indian tribes or authorized tribal organizations.

B. In accordance with the Code of Federal Regulations, 44 CFR Part 206.434, eligible projects must:

1. Be in conformance with the hazard mitigation plan developed as a requirement of Section 409.
2. Have a beneficial impact on the declared disaster area, whether or not located in the designated area.
3. Be in conformance with 44 CFR Part 9, Floodplain Management and Protection of Wetlands, and 44 CFR Part 10, Environmental Considerations.
4. Solve a problem independently or constitute a functional portion of a solution where there is assurance that the project as a whole will be completed.
5. Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering from a major disaster. This must be demonstrated by documenting that the project:
  - a. Addresses a problem that has been repetitive or poses a significant risk to public health and safety if left unresolved.
  - b. Will not cost more than the anticipated value of damage reduction in both direct and indirect damages to the area if future disasters were to occur (benefit-cost analysis). Both costs and benefits will be computed on a net present value basis.
  - c. Has been determined to be the most practical, effective, and environmentally sound alternative after considering a range of alternatives.
  - d. Contributes, to the extent practicable, to a permanent or long-term solution to the problem rather than a temporary or short term.
  - e. Considers long term changes to the area it protects, and has manageable future maintenance and modification requirements.

## **APPENDIX A – Administrative Plan**

f. Does not permanently affect the environment or the historic integrity of the surrounding area.

g. Is not funded under the HMGP as the result of previous disasters

### **V. General**

#### **A. Definitions**

1. Applicant - A State agency, local government, or eligible private non-profit organization, as defined by Federal regulation, submitting an application to the Governors Authorized Representative for assistance under the Hazard Mitigation Grant Program.

2. Application – The initial request for Section 404 funding, as outlined in USC 44 CFR 206.436, to be submitted to FEMA by the State.

3. Grant – Means an award of financial assistance.

4. Governor's Authorized Representative (GAR) – The individual, selected by the Governor to serve as the grant administrator for all funds provided under the Hazard Mitigation Grant Program.

5. Grantee – The government to which a grant is awarded and which is accountable for the use of funds provided. For the purpose of this plan, the State is the Grantee.

6. Measure – Any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss or suffering from disasters.

7. Project – Any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss, or suffering from disasters.

8. Section 409 Hazard Mitigation Plan – The hazard mitigation plan required under Section 409 of the Act as a condition of receiving Federal disaster assistance under Public Law 93-288, as amended. The Hazard Mitigation Plan is the basis for the identification of measures to be funded under the Hazard Mitigation Grant Program.

9. State Administrative Plan – The plan developed by the state to describe the procedures for administration of the Hazard Mitigation Grant Program.

## **APPENDIX A – Administrative Plan**

10. State Hazard Mitigation Officer (SHMO) – The representative of State Government who is the primary point of contact with FEMA, other Federal agencies, and local units of government in the planning and implementation of post-disaster mitigation programs and activities required under the Stafford Act.

11. State Hazard Mitigation Team (SHMT) – Representatives of State and Federal agencies designated to participate in various facets of the State Hazard Mitigation Program, to review, prioritize, and recommend funding levels for selected HMGP project applications.

12. Sub-grant – An award of financial assistance under a grant by a grantee to an eligible sub-grantee.

13. Sub-grantee – The government or other legal entity to which a sub-grant is awarded and which is accountable to the grantee for the use of funds provided. The sub-grantee can be a state agency, local government, private non-profit organization, or Indian tribe as outlined in 44 CFR Section 206.434.

14. Hazard Mitigation Survey Team (HMST) – FEMA, State, and appropriate local government representatives, and representatives of any other Federal agencies that may be appropriate to perform Hazard Mitigation Surveys.

### **B. Funding**

1. The total Federal funds available under the HMGP will not exceed 15% of the combined total of the Federal share of Infrastructure Project Worksheets, Human Services Grants and any mission assignments other than for administrative services.

2. The normal cost share formula will usually consist of, up to 75% Federal and not less than 25% Non-Federal. FEMA will not contribute to any cost overruns above the federally approved estimate. The Federal share of any selected project will not exceed 75% of the total project cost. The non-federal share may exceed the Federal share and may be a combination of state, local, and private funding.

3. The State may allocate up to 7% of HMGP funds to be used for development of State, local, and tribal mitigation plans with the concurrence of FEMA.

## **VI. Identification and Notification of Potential Applicants**

A. Press Release – After the declaration of a Presidential Disaster, the GAR, Federal Hazard Mitigation Officer, and the SHMO will prepare a Joint Press Release describing the program. This release will contain general program information, workshop dates, and a primary point of contact for obtaining additional information concerning the

## **APPENDIX A – Administrative Plan**

program. The Joint Press Release will be distributed not later than 60 days after any Federal disaster declaration.

B. Letter of Intent - The GAR will notify FEMA of the State's intent to participate in the Hazard Mitigation Grant Program as soon as possible after the Presidential Declaration. FEMA has established a 60-day deadline for submitting a letter of intent to ensure the state is taking advantage of post-disaster mitigation opportunities. When the Presidential Declaration is for Individual Assistance only, the state must request that the Hazard Mitigation Grant Program be included in the disaster declaration.

C. Notification - After a parish has been declared for assistance from the Stafford Act, that parish will be sent a notification letter giving a brief description of the program. The letter will also contain the necessary information concerning the date, time and location of Mitigation Workshops. The Parish OEP Director will be responsible for notification of all eligible applicants within the parish. The SHMO will be responsible to notify the State agencies and Private-Non-Profit organizations in the parish that are eligible.

### **D. Staffing and Team Activation**

1. Staffing - The organizational structure of the Mitigation Section will be flexible, and implemented, as need dictates. The GAR and SHMO will be the minimum positions required to administer the grant program. Initially, the secretarial / clerical help will be from state agency employees. Additional personnel may be hired as needed from temporary employment registers.

2. Hazard Mitigation Team Activation - After the declaration of a Presidential disaster and execution of the FEMA / State Agreement, the Hazard Mitigation Survey Team (HMST) will be activated by the State Hazard Mitigation Officer. The State Team will consist of members representing a variety of State and Federal agencies with the SHMO as the chief coordinator. The HMST will assist the SHMO with the following duties:

- a. Assist in development of the Mitigation Strategy
- b. Conduct site surveys
- c. Review existing applications from past disasters
- d. Conduct feasibility assessments of potential projects
- e. Recommend potential projects
- f. Set criteria for project selection
- g. Select projects based on set criteria
- h. Recommend priority of selected projects
- i. Other items as directed by the GAR or SHMO

### **3. The State Hazard Mitigation Team**

## **APPENDIX A – Administrative Plan**

a. The State Hazard Mitigation Team (SHMT) was established by Executive Order Number MJF 96-49. The SHMT will be made up of various State and Federal agencies as dictated by the Louisiana Office of Emergency Preparedness. The role of the SHMT will be to provide non-biased technical assistance to the LOEP Mitigation Section in identifying mitigation measures, suggesting mitigation priorities within the state, and reviewing/selecting mitigation projects for funding from various sources. As of the Presidentially declared Disaster 1246, the SHMT will be made up of the agencies listed below:

- 1). Louisiana Office of Emergency Preparedness
- 2). U.S. Army Corps of Engineers
- 3). Department of Environmental Quality
- 4). La. Department of Wildlife & Fisheries
- 5). DOTD - State NFIP/Floodplain Coordinator
- 6). Department of Natural Resources – Office of Coastal Restoration
- 7). U.S. Geological Survey
- 8). Division of Administration, Planning
- 9). LA Association of Levee Boards

b. The State Hazard Mitigation Team activities will be conducted according to the policy established by the GAR in accordance with the State Hazard Mitigation Plan.

- 1). A majority of the team must be present in order for the SHMT to conduct official business at a meeting.
- 2). The SHMT will be given a minimum of 30 days notice before the scheduled meeting.
- 3). During each meeting only one program will be discussed unless prior notice is given.

c. There will be an annual SHMT training/planning meeting. This meeting is designated to update team members of new program changes, and to review/update the State Hazard Mitigation Plan. In order to accommodate revised policy and regulation changes. Additional meetings may be called by the SHMO in accordance with the provisions above.

d. Any SHMT member or alternate may not miss two or more consecutive meetings. Should an alternate be designated for a meeting, the SHMO must be contacted prior to said meeting. The GAR will request a replacement from any agency whose representative or alternate misses two or more consecutive meetings.

## **APPENDIX A – Administrative Plan**

e. SHMT members or represented agencies may not participate in the team activities if they directly benefit or receive funding from the Federal programs which the SHMT judges.

E. The Mitigation Strategy - The Hazard Mitigation Survey Team will develop a State Mitigation Strategy to govern the allocation of funds available for a disaster. This document will be the means of updating the old “404” and “409” plans as required by the Stafford Act, as amended. If more than one disaster is pending, the report requirement may be consolidated into one document. Although there is no specific format, the strategy should be specific enough to include all pertinent information on the disaster, the affected area, the cause, the severity of the damages that resulted, and how the state plans to allocate the available funds. The priority and selection criteria should be the most emphasized portion of the document, since these criteria will determine how allocated funds are obligated.

### **VII. The Application Process**

#### **A. Mitigation Workshops**

1. The SHMO will be primarily responsible for the dissemination of information about the Hazard Mitigation Grant Program to all potential applicants. A series of Hazard Mitigation Workshops will be coordinated to inform applicants of the existence of the grant program and present detailed information concerning the current disaster.

2. The workshops will be conducted at the parish level by the SHMO in conjunction with FEMA Region VI. Depending on the scope of the disaster area, exceptions will be made to consolidate or expand the area covered by one workshop. The required visual information will be produced prior to the initiation of the briefings. The workshops will relay all pertinent information concerning the application process, project eligibility, and the amount of detail required in the project application.

3. A separate workshop may be conducted for State Agencies that are eligible to apply for the HMGP. The workshop will be coordinated by the SHMO and will be centrally located for maximum participation.

4. During the workshops, all potential applicants will be briefed on the Hazard Mitigation Grant Program, eligible and ineligible projects, approximate amount of available funds, and the application process. The applicants will be given a deadline for the submission of the Pre-application forms to determine project eligibility. The Pre-Application Form is the method used to determine project eligibility quickly, so the applicant does not waste time on an application for an ineligible project.



## **APPENDIX A – Administrative Plan**

### **B. Review of Pre-Application Forms**

1. Once the deadline for submission of the pre-application forms has been reached, the SHMO will begin a review of the forms to determine if they meet the minimum criteria for project selection in accordance with the State Hazard Mitigation Plan. If a project is deemed ineligible, the SHMO will submit a letter to the applicant, which will summarize reasons why it is ineligible and provide the references, as appropriate. For those projects deemed eligible, the SHMO will then convene a meeting of the State Hazard Mitigation Team to review the pre-screened projects. The SHMT, using the State Hazard Mitigation Plan as a guide, will review and recommend projects for submittal through the GAR to FEMA for approval and funding.

2. Once the SHMT has made their recommendations, those selected applicants will be notified in writing that their project has been selected by the Team for State approval and to submit a complete application for submittal to FEMA. The applicant will be informed that the project has not received final approval until FEMA has completed its review, approval, and funding has been established. The SHMO will notify the applicant in writing that work may proceed once FEMA has granted final approval and funding is approved at the state level.

### **C. Submission of Applications to the State**

1. Any applicant applying for assistance will use the Format for Project Application to make an application for HMGP. The full requirements for the application are outlined in the application package. The SHMO will set a project application deadline that will allow applicants sufficient time to prepare project applications. Projects submitted should be designed so that work can begin within 90 days of approval and completed within one year of the start date. FEMA may grant an exception to this requirement when the circumstances warrant a time extension. If the project is funded with state funds, the GAR will make the determination to grant the exception.

2. All communications, correspondence, and reports will be between the grantee and sub-grantees/applicants. Consultants/independent contractors must process all work items through the sub-grantee/applicant in accordance with 44 CFR, P.206.431 (a) & (j).

### **D. Review, Selection, and Priority/Ranking of Projects**

1. Review - The State Hazard Mitigation Officer and the State Hazard Mitigation Team (SHMT) will review and select eligible projects for the Hazard Mitigation Grant Program. All projects will initially be reviewed by the SHMO to ensure that the projects meet the minimum project eligibility criteria. Only eligible applications will be forwarded to the SHMT for review. The Team may serve as technical advisors to applicants in preparing detailed or technical information such as environmental review or

## **APPENDIX A – Administrative Plan**

assessments that may be needed before submission of projects to FEMA. Projects will be prioritized using the criteria established in 44 CFR 206.434, HMGP Desk Reference Book, and State Hazard Mitigation Plan priorities.

2. Additional Information - After the initial review of project applications, the SHMO will inform applicants of any additional information that is required to make the application complete. The GAR will also set a deadline on a case by case basis for receipt of additional information. The project application will not proceed any further in the process until the additional information is received.

3. Project Categories - There are many types of mitigation projects eligible under the HMGP program. The State has established the following categories as a means to compartmentalize projects in a logical process. The categories established are targeted to address the repetitive-loss problem in Louisiana. In order of priority, the project categories for HMGP are listed below:

- a. Acquisitions
- b. Elevation / Relocations
- c. Drainage/Structural
- d. Retrofitting of Public Facilities

1). Acquisition - In an effort to reduce the number of repetitive-loss structures in Louisiana, acquisition of structures will be given the highest priority for funding under HMGP.

2). Elevation/Relocation – Elevation is considered to be a viable option for those projects in which flooding has been minimal and the cost-benefit ratio will not support acquisition. Elevations are less costly than acquisitions and still alleviate the repetitive-loss problem. Relocation of the structure is an option when the owner of the structure wants to retain ownership of the structure and move it to another location not in a flood plain.

3). Drainage Projects / Structural Projects – These types of projects are considered very important, because they usually benefit a larger region or area, as opposed to acquisition or elevations which benefit a single structure.

4). Retrofitting of Public Facilities – These projects are eligible for funding under HMGP. They receive a lower priority because they do not address elimination of a repetitive loss structure. However, because the failure of these structures may delay or hinder emergency response or aid from public agencies to individuals during or after a disaster, they are considered important.

e. Project review and selection may also consider the level of local interest and degree of commitment to hazard mitigation actions and programs.

**VIII. Project Management**

**A. Notification of Approval / Disapproval of Projects**

1. Applicant will be notified of approval / disapproval of projects, in writing, as soon as the State is notified by FEMA.

2. For approved projects, the applicants will be notified to begin with the design and bidding of the subject project. In addition, the applicant will be notified of the amount of funds available and quarterly report dates.

3. During the course of the project, the applicant will be required to submit the following to the SHMO:

- a. Definite work schedule, with project milestones
- b. Contractual agreements
- c. Change orders
- d. Detailing of in-kind services to be used

**B. Payments**

1. The Director of LOEP shall finalize the interpretation of each section. This section is taken directly from CFR 44 Part 13 Subpart C—Post Award Requirements; Financial Administration.

a. U.S. CFR 44 Part 13 Subpart C – Post Award Requirements §13.21-Payments.

1). This section prescribes the basic standard and the methods under which a Federal agency will make payments to grantees, and grantees will make payments to subgrantees and contractors.

2). Grantees and sub-grantees shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds and their disbursement by the grantee or sub-grantee.

3). Reimbursement shall be the preferred method when the requirements in paragraph 2) above are not met.

b. U.S. CFR 44 Part 13 Subpart C – Post Award Requirements §13.41 Financial Reporting.

## **APPENDIX A – Administrative Plan**

1). Paragraph (c)(3) - Cash in hands of sub-grantee. When considered necessary and feasible by the Federal agency, grantees may be required to report the amount of cash advances in excess of three days' needs in the hands of their sub-grantees of contractors and to provide short narrative explanations of actions taken by the grantee to reduce the excess balances.

2). Paragraph (d)(1) – Request for advance or reimbursement – Requests for Treasury check advance payments will be submitted on Standard Form 270.

2. Project funds will be paid on a reimbursement basis on the first day of each Federal fiscal quarter (October 1, January 1, April 1, and July 1) or at project completion. Standard Form 270 – Request for Advance or Reimbursement will be used to request project funds from LOEP and the State Treasury at the beginning of each fiscal quarter. The applicant through a written letter detailing the amount expended during the previous fiscal quarter will make a request for payment. The SHMO will process the request, and reimburse 75% of the expended amount. The maximum reimbursement of project funds before closeout will be 75% of the Federal share (75% of 75%). Sub-grantee administrative costs and the remaining 25% of the Federal share will be retained until project completion and closeout.

### **C. Project Close-out**

1. A final closeout inspection will be conducted prior to the applicant receiving the final reimbursement. The closeout inspection will include an on-site inspection of the work performed to assure compliance with the scope of work outlined in the application.

2. The sub-grantee will be required to keep complete records of all work to include checks, receipts, contracts, job orders, equipment usage documentation and payroll information. These records must be maintained for three years past the completion date or closeout inspection.

3. During this 3-year period, all project documentation is subject to random audit.

## **XI. Development and Maintenance**

A. The GAR has the overall responsibility for planning and coordination for hazard mitigation activities as required by the Federal - State agreement and the State Hazard Mitigation Team recommendations. Therefore the GAR directs the SHMO to develop, update, and maintain this plan as required.

B. The SHMO shall develop appendices to this plan for each Presidential Disaster / Emergency declaration to address mitigation measures for those specifically declared

## **APPENDIX A – Administrative Plan**

areas. The SHMO will also coordinate and conduct an annual review of this plan with the SHMT and update as necessary. All revisions to both the basic plan and its appendices shall be distributed to all holders.

### **X. Quarterly Reporting**

A. Quarterly reports will be solicited from all sub-grantees in accordance with 44 CFR 206.438 (c). Quarterly reports are due from the sub-grantee to the grantee one-week prior to the first day of each Federal fiscal quarter (January, April, July, October).

B. The SHMO will compile the reports and send them forward to the Federal Hazard Mitigation Officer.